



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
10/20/96 100-331797	10/20/96	JOHN J. LARSON	100-331797

SEARCHED INDEXED  
MAILED 10/20/96

SEARCHED INDEXED  
MAILED 10/20/96  
BY MAIL MN 55163-3327

SEARCHED INDEXED

EXAMINER

SEARCHED INDEXED

ART UNIT	PAPER NUMBER
7-327	5

DATE MAILED: 10/20/96

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No. <b>08/591,217</b>	Applicant(s) <b>Jones et al</b>
Examiner <b>Jeffery R. Thurlow</b>	Group Art Unit <b>1307</b>



Responsive to communication(s) filed on Sep 13, 1996

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 14-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 14-20 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1307

1. The disclosure is objected to because of the following informalities: the title and abstract should be directed to the invention now being claimed. The parent applications should be properly referenced and status updated. Appropriate correction is required.

2. Claims 14-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 14-16 are indefinite in the charge resistivity level of the non-conductive microfibers employed in the filter media recited in each claim. Claim 17 does not recite that nonconductive microfibers are included while claims 18-20 are indefinite in their preambles reciting "method of claim 17" since claim 17 is a product claim.

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention

were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

4. Claims 14-20 are rejected under 35 U.S.C. § 103 as being unpatentable over Reed et al in view of U.K. 2,176,404A and Miyake et al. The primary reference teaches the electret filter media having trapped charges prepared from a nonconductive, nonwoven web as well as a resilient cup-shaped filtration face mask and a respirator mask assembly. U.K.(-404A) shows the structural features of the respirator assembly of claim 16. Miyake et al renders obvious impingement of high pressure water jets while enhancing a nonwoven web useful for filter media. It would have been *prima facie* obvious to provide an electret filter media as a nonwoven web entangled by water jet impingement placed as a filter media in a filtration face mask and respirator mask assembly in the electret filter media and face mask products of the primary reference in view of the applied secondary references to enhance the high filtration efficiency as well as low air permeation resistance characteristics required for air filters while retaining filtration-enhancing electrostatic charges. Because of the product-by-process format of the instant claims the burden is lowered for establishing a *prima facie* case of obviousness; see MPEP 706.03(e) and In re Thorp, 227 USPQ 964 (Fed.Cir.1985). The electret filter media may be charged by any conventional technique while the resulting product-by-process

Serial Number: 08591217

-4-

Art Unit: 1307

claims must patentably distinguish as products by properties and not depend upon the method of manufacture. In Reed et al, please see the abstract, Summary of The Invention, col.4, lines 12-21, examples 1 and 4 along with the claims thereof. See the abstract, figures and claims of U.K. (-404A). See the abstract, col.3, lines 3-15 and col.9, lines 25-39 of Miyake et al.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References A-~~E~~ are cited of interest to show preparing electret filters and products made therefrom. No claims are allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J.R.Thurlow whose telephone number is (703) 308-3828 (with the art unit FAX number being 703-305-7718 or -7719).

J.R.Thurlow  
October 24, 1996

*Jeffery L. Thurlow*  
JEFFERY R. THURLOW  
PRIMARY EXAMINER  
GROUP 1300

*10/24/96*